By:  Nevárez H.B. No. 4226

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Trades Board of the State of Texas; the licensure and regulation of plumbers, electricians, and air conditioning and refrigeration contractors; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Title 8, Occupations Code, is amended by adding Chapter 1306 to read as follows:

CHAPTER 1306. REGULATION AND LICENSING OF PLUMBERS, ELECTRICIANS, AND AIR CONDITIONING AND REFRIGERATION CONTRACTORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1306.001.  SHORT TITLE. This chapter may be cited as the Texas Trades Board Law.

Sec. 1306.002.  DEFINITIONS. In this chapter:

(1)  "Board" means the Trades Board for the State of Texas.

(2)  "Executive director" means the executive director of the Trades Board for the State of Texas.

Sec. 1306.003.  APPLICATION OF SUNSET ACT. The Trades Board for the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2031.

Sec. 1306.004.  NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

SUBCHAPTER B. TRADES BOARD OF THE STATE OF TEXAS

Sec. 1306.10.  TRADES BOARD OF THE STATE OF TEXAS. (a) The Trades Board of the State Of Texas consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1)  one member who has at least 10 years' practical experience and is licensed as a master plumber;

(2)  one member who has at least five years' practical experience and is licensed as a journeyman plumber;

(3)  one member who has at least five years' practical experience and is licensed as a plumbing inspector;

(4)  one master electrician member;

(5)  one journeyman electrician;

(6)  one master sign electrician member;

(7)  one must be a full-time licensed air conditioning and refrigeration contractor who holds a Class A license and practices in a municipality with a population of more than 250,000;

(8)  one member must be a full-time licensed air conditioning and refrigeration contractor who holds a Class B license and practices in a municipality with a population of more than 250,000; and

(9)  one member who holds a license of any classification under this chapter, is principally engaged in air conditioning and refrigeration contracting, and practices in a municipality with a population of not more than 25,000.

(b)  Each member of the board must be a United States citizen.

(c)  Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 1306.11.  MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b)  A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1)  the person is an officer, employee, or paid consultant of a Texas trade association in the field of building construction; or

(2)  the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of building construction.

(c)  A person may not be a member of the board or act as the general counsel to the board or the agency if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the agency.

Sec. 1306.12.  ISSUANCE OF COMMISSION. On presentation of the constitutional oath of office and a certificate of appointment, the secretary of state shall issue a commission to a board member as evidence of the person's authority to act as a board member.

Sec. 1306.13.  GROUNDS FOR REMOVAL. (a) It is a ground for removal from the board that a member:

(1)  does not have at the time of taking office the qualifications required by this chapter;

(2)  does not maintain during service on the board the qualifications required by this chapter;

(3)  is ineligible for membership under Section 1306.12;

(4)  cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5)  is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b)  The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c)  If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 1306.14.  OFFICERS. (a) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(b)  The board shall elect a secretary from its membership.

Sec. 1306.15.  PER DIEM; REIMBURSEMENT. (a) A board member may not receive a fixed salary for service on the board.

(b)  A board member is entitled to receive a per diem as set by the General Appropriations Act for each day the member engages in the business of the board.

(c)  A board member may not receive reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act.

Sec. 1306.16.  TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b)  The training program must provide the person with information regarding:

(1)  this chapter;

(2)  the programs operated by the agency;

(3)  the role and functions of the agency;

(4)  the rules of the agency, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5)  the current budget for the agency;

(6)  the results of the most recent formal audit of the agency;

(7)  the requirements of:

(A)  the open meetings law, Chapter 551, Government Code;

(B)  the public information law, Chapter 552, Government Code;

(C)  the administrative procedure law, Chapter 2001, Government Code; and

(D)  other laws relating to public officials, including conflict-of-interest laws; and

(8)  any applicable ethics policies adopted by the agency or the Texas Ethics Commission.

(c)  A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SUBCHAPTER C. BOARD POWERS AND DUTIES

Sec. 1306.20.  GENERAL DUTIES OF BOARD. The board shall:

(1)  administer this chapter and chapters 1301, 1302, and 1305 of this code;

(2)  adopt and enforce rules necessary to administer this chapter and chapters 1301, 1302, and 1305 of this code; and

(3)  keep a record of each proceeding conducted before and action taken by the board.

Sec. 1306.21.  RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The board may not adopt a rule restricting advertising or competitive bidding by a person licensed under this chapter except to prohibit false, misleading, or deceptive practices by the person.

(b)  The board may not include in its rules to prohibit false, misleading, or deceptive practices a rule that:

(1)  restricts the person's use of any medium for advertising;

(2)  restricts the person's personal appearance or use of the person's voice in an advertisement;

(3)  relates to the size or duration of an advertisement by the person; or

(4)  restricts the person's advertisement under a trade name.

Sec. 1306.22.  FEES. The board shall set fees in amounts that are reasonable and necessary to cover the cost of administering this chapter or chapters 1301, 1302, and 1305 of this code.

Sec. 1306.23.  ADOPTION OF PLUMBING CODES. (a) The board shall adopt the following plumbing codes, as those codes existed on May 31, 2001:

(1)  the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and

(2)  the International Plumbing Code, as published by the International Code Council.

(b)  The board by rule may adopt later editions of the plumbing codes listed in Subsection (a).

(c)  Plumbing installed in an area not otherwise subject to regulation under this chapter by a person licensed under this chapter must be installed in accordance with a plumbing code adopted by the board under Subsection (a) or (b).

(d)  In adopting a code for the design, installation, and maintenance of a plumbing system under this section, a municipality or an owner of a public water system may amend any provisions of the code to conform to local concerns that do not substantially vary from board rules or other rules of this state.

(e)  Plumbing installed in compliance with a code adopted under Subsection (a), (b), or (d) must be inspected by a plumbing inspector. To perform the inspection, the political subdivision may contract with any plumbing inspector or qualified plumbing inspection business, as determined by the political subdivision, that is paid directly by the political subdivision.

Sec. 1306.24.  GENERAL POWERS AND DUTIES PERTAINING TO ELECTRICIANS. (a) The executive director or the board, as appropriate, shall:

(1)  by rule establish the financial responsibility requirements for electrical contractors; and

(2)  after publication of the National Electrical Code by the National Fire Protection Association every three years, adopt the revised National Electrical Code as the electrical code for the state.

(b)  The executive director or the board, as appropriate, may:

(1)  establish reciprocity agreements with other states that have licensing requirements substantially equivalent to the requirements of this chapter or chapter 1305 of this code; and

(2)  take other action as necessary to administer and enforce this chapter and chapter 1305 of this code.

Sec. 1306.25.  RULES. (a) The board shall adopt rules for the licensing of electricians, sign electricians, electrical sign contractors, electrical contractors, journeyman industrial electricians, journeyman linemen, residential appliance installers, and residential appliance installation contractors as prescribed by this chapter.

(b)  The executive director by rule shall prescribe descriptions of the types of activities that may be performed by each class of license holder under this chapter.

(c)  The executive director by rule shall adopt standards of conduct requirements for license holders under this chapter.

(d)  The board may adopt rules regarding the registration of apprenticeship training programs and to require registered programs to report the names of persons enrolled in the programs.

Sec. 1306.26.  PERSONNEL. The department may employ personnel necessary to administer and enforce this chapter and chapters 1301, 1302, 1305 of this code.

Sec. 1306.26.  SUBPOENA. (a) The board may request and, if necessary, compel by subpoena:

(1)  the attendance of a witness for examination under oath; and

(2)  the production for inspection and copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this chapter.

(b)  The board, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c)  Venue for an action brought under Subsection (b) is in a district court in:

(1)  Travis County; or

(2)  any county in which the board may hold a hearing.

(d)  The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 1306.27.  ADVISORY COMMITTEES. The board may appoint advisory committees as it considers necessary. An advisory committee shall serve without compensation or reimbursement and is subject to Section 2110.008, Government Code.

Sec. 1306.28.  BOARD COMMITTEES. (a) The board may create committees to assist the board in exercising its powers and duties.

(b)  The presiding officer of the board shall appoint the members of the committees. Except as provided by Subsection (c), each committee member must be a member of the board.

(c)  The presiding officer may appoint only members of the agency staff to an enforcement committee that reviews complaints and license registration and reviews endorsement applications submitted by applicants who have a criminal conviction history affected by Chapter 53.

Sec. 1306.29.  MEMORANDUM OF UNDERSTANDING. (a) The board and the Texas Department of Licensing and Regulation shall enter into a memorandum of understanding to improve services and coordinate the functions of each agency.

(b)  The memorandum of understanding must:

(1)  require each agency to share:

(A)  information technology to support the regulation and enforcement of occupational licenses; and

(B)  information on regulatory practices for licensed occupations, including policy issues that affect the regulation of licensed occupations, standardization of complaint and enforcement techniques, and model licensing techniques;

(2)  authorize enforcement officers from each agency to check licenses, registrations, or endorsements held by persons practicing occupations regulated by the other agency and report noncompliance to that agency; and

(3)  state the circumstances when a joint investigation between the board and the Texas Department of Licensing and Regulation is appropriate.

Sec. 1306.291.  POLICY ON TECHNOLOGICAL SOLUTIONS. The board shall develop and implement a policy requiring the executive director and agency employees to research and propose appropriate technological solutions to improve the agency's ability to perform its functions. The technological solutions must:

(1)  ensure that the public is able to easily find information about the agency on the Internet;

(2)  ensure that persons who want to use the agency's services are able to:

(A)  interact with the agency through the Internet; and

(B)  access any service that can be provided effectively through the Internet; and

(3)  be cost-effective and developed through the agency's planning processes.

Sec. 1306.292.  NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1)  negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of agency rules; and

(2)  appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the agency's jurisdiction.

(b)  The agency's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c)  The board shall designate a trained person to:

(1)  coordinate the implementation of the policy adopted under Subsection (a);

(2)  serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3)  collect data concerning the effectiveness of those procedures, as implemented by the agency.

SUBCHAPTER D. CONSUMER INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 1306.301.  CONSUMER INTEREST INFORMATION. (a) The board shall prepare information of consumer interest describing the regulatory functions of the board and the procedures by which consumer complaints are filed with and resolved by the board.

(b)  The board shall make the information available to the public and appropriate state agencies.

Sec. 1306.3015.  PUBLIC PARTICIPATION. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the agency.

Sec. 1306.303.  COMPLAINTS. (a) The board may investigate an alleged violation of this chapter of chapters 1301, 1302, or 1305 of this code by a person who:

(1)  is licensed under this chapter or chapters 1301, 1302, or 1305 of this code;

(2)  is the owner of a company or contractor subject to this chapter or chapters 1301, 1302, or 1305 of this code; or

(3)  performs plumbing, acts a electrician, or an air conditioning and refrigeration contractor without holding a license under this chapter or chapters 1301, 1302, or 1305.

(b)  The board shall maintain a file on each written complaint filed with the board. The file must include:

(1)  the name of the person who filed the complaint;

(2)  the date the complaint is received by the agency;

(3)  the subject matter of the complaint;

(4)  the name of any municipality and the county in which the conduct that is the subject of the complaint occurred;

(5)  the name of each person contacted in relation to the complaint;

(6)  a summary of the results of the review or investigation of the complaint; and

(7)  an explanation of the reason the file was closed, if the agency closed the file without taking action other than to investigate the complaint.

(c)  The agency shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the agency's policies and procedures relating to complaint investigation and resolution.

(d)  The board, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

(e)  The board by rule shall assign priorities and prescribe investigative procedures for investigations of complaints based on:

(1)  the severity of the conduct alleged in the complaint; and

(2)  the degree of harm to public health, safety, or property.

(f)  The board shall maintain information about complaints, including source, type, and geographical area, to identify and address regulatory problem areas and focus enforcement in those areas.

Sec. 1306.304.  INVESTIGATION OF COMPLAINTS. (a) The enforcement committee or an employee designated by the enforcement committee may investigate an alleged violation of this chapter, chapter 1301, 1302, or 1305 of this code or a board rule that is reported to the board.

(b)  The enforcement committee shall determine whether a person has committed the violation and shall recommend appropriate sanctions to the board or, if the enforcement committee determines that the complaint is without merit, dismissal of the complaint.

(c)  The board shall conduct joint investigations with the Texas Department of Licensing and Regulation as circumstances require.

(d)  Unless a threat to health or safety exists, the board may choose to not investigate a complaint in which the person filing the complaint and the person who is the subject of the complaint are engaged in litigation related to the subject matter of the complaint until the outcome of the litigation is finally determined if the board determines the complaint process is being abused.

SUBCHAPTER E. ADMINISTRATIVE PENALTY

Sec. 1306.401.  IMPOSITION OF PENALTY. The board may impose an administrative penalty on a person who violates this chapter, chapter 1301, 1302, or 1305 of this code or a rule or order adopted under this chapter.

Sec. 1306.402.  AMOUNT OF PENALTY. (a) The amount of an administrative penalty may not exceed $5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b)  The amount of the penalty shall be based on:

(1)  the seriousness of the violation, including:

(A)  the nature, circumstance, extent, and gravity of any prohibited act; and

(B)  the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2)  the economic harm to property or the environment caused by the violation;

(3)  the history of previous violations;

(4)  the amount necessary to deter a future violation;

(5)  efforts made to correct the violation; and

(6)  any other matter that justice may require.

(c)  The board by rule or through procedures adopted by the board and published in the Texas Register shall develop a standardized penalty schedule based on the criteria listed in Subsection (b).

Sec. 1306.403.  REPORT AND NOTICE OF VIOLATION AND PENALTY. (a) If the enforcement committee determines that a violation occurred, the enforcement committee may issue to the board a report stating:

(1)  the facts on which the determination is based; and

(2)  the committee's recommendation on the imposition of the penalty, including a recommendation on the amount of the penalty.

(b)  Not later than the 14th day after the date the report is issued, the enforcement committee shall give written notice of the report to the person.

(c)  The notice must:

(1)  include a brief summary of the alleged violation;

(2)  state the amount of the recommended penalty; and

(3)  inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Sec. 1306.404.  PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice, the person in writing may:

(1)  accept the determination and recommended penalty of the enforcement committee; or

(2)  make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b)  If the person accepts the determination and recommended penalty of the enforcement committee, the board by order shall approve the determination and impose the recommended penalty.

(c)  Failure to request a hearing or accept the determination and recommended penalty within the time provided by this section waives the right to a hearing under this chapter.

(d)  If the board determines without a hearing that the person committed a violation and a penalty is to be imposed, the board shall:

(1)  provide written notice to the person of the board's findings; and

(2)  enter an order requiring the person to pay the recommended penalty.

Sec. 1306.405.  HEARING. (a) If the person requests a hearing, the enforcement committee shall set a hearing and give written notice of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

(b)  The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty.

Sec. 1306.406.  DECISION BY BOARD. (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the board by order may:

(1)  find that a violation occurred and impose a penalty; or

(2)  find that a violation did not occur.

(b)  The notice of the board's order given to the person must include a statement of the right of the person to judicial review of the order.

Sec. 1306.407.  OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the board's order becomes final, the person shall:

(1)  pay the penalty; or

(2)  file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b)  Failure by the person to pay the penalty is grounds for the board to refuse to renew the person's license or registration and to refuse to issue a new license or registration to the person.

Sec. 1306.408.  STAY OF ENFORCEMENT OF PENALTY. (a) Within the 30-day period prescribed by Section 1306.707, a person who files a petition for judicial review may:

(1)  stay enforcement of the penalty by:

(A)  paying the penalty to the court for placement in an escrow account; or

(B)  giving the court a supersedeas bond approved by the court that:

(i)  is for the amount of the penalty; and

(ii)  is effective until all judicial review of the board's order is final; or

(2)  request the court to stay enforcement of the penalty by:

(A)  filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and

(B)  sending a copy of the affidavit to the enforcement committee by certified mail.

(b)  If the enforcement committee receives a copy of an affidavit under Subsection (a)(2), the executive director may file with the court, not later than the fifth day after the date the copy is received, a contest to the affidavit.

(c)  The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the penalty and to give a supersedeas bond.

Sec. 1306.409.  DECISION BY COURT. (a) If the court sustains the finding that a violation occurred, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty.

(b)  If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed.

Sec. 1306.410.  REMITTANCE OF PENALTY AND INTEREST. (a) If the person paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, that the appropriate amount plus accrued interest be remitted to the person.

(b)  The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c)  The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

Sec. 1306.411.  RELEASE OF BOND. (a) If the person gave a supersedeas bond and the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, the release of the bond.

(b)  If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the reduced amount.

Sec. 1306.412.  COLLECTION OF PENALTY. (a) If the person does not pay the penalty and the enforcement of the penalty is not stayed, the penalty may be collected.

(b)  The attorney general may sue to collect the penalty.

Sec. 1306.413.  ADMINISTRATIVE PROCEDURE. A proceeding to impose the penalty is considered to be a contested case under Chapter 2001, Government Code.

SUBCHAPTER F . EXECUTIVE DIRECTOR AND OTHER BOARD PERSONNEL

Sec. 1306.501.  EXECUTIVE DIRECTOR AND STAFF. (a) The board shall employ an executive director as the executive head of the agency.

(b)  The board may employ personnel as necessary to administer this chapter, chapter 1301, 1302 or 1305 of this code. The board may determine the compensation and duties of its employees and the terms of their employment.

Sec. 1306.502.  CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. (a) The presiding officer of the board or the presiding officer's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of each nonentry level position at least 10 days before the date of any public posting.

(b)  The presiding officer of the board or the presiding officer's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for board employees must be based on the system established under this subsection.

Sec. 1306.503.  EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b)  The policy statement must include:

(1)  personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the agency to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2)  an analysis of the extent to which the composition of the agency's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c)  The policy statement must:

(1)  be updated annually;

(2)  be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and

(3)  be filed with the governor's office.

Sec. 1306.504.  STANDARDS OF CONDUCT. The executive director or the executive director's designee shall provide to members of the board and to agency employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 1306.505.  SEPARATION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and the staff of the agency.

SECTION 2.  Sections 1301.002(1) and (1-b), Occupations Code, is amended to read as follows:

1301.002.  DEFINITIONS. In this chapter:

(1)  "Board" means the [~~Texas State Board of Plumbing Examiners~~] Trades Board for the State of Texas.

(1-b) "Executive director" means the executive director of the [~~Texas State Board of Plumbing Examiners~~] Trades Board for the State of Texas.

SECTION 3.  Section 1301.003, Occupations Code, is repealed.

SECTION 4.  Subchapters C and E of Chapter 1301, Occupations Code, are repealed.

SECTION 5.  Section 1301.201, Occupations Code, is repealed.

SECTION 6.  Sections 1301.204, 1301.205, 1301.207, 1301.208 Occupations Code, are repealed.

SECTION 7.  Sections 1302.002(1), Occupations Code, is amended to read as follows:

Sec. 1302.002.  DEFINITIONS. In this chapter:

(1)  "[~~Advisory b~~]Board" means the [~~air conditioning and refrigeration contractors advisory board~~] Trades Board for the State of Texas.

SECTION 8.  Sections 1302.101, Occupations Code, is amended to read as follows:

Sec. 1302.101.  GENERAL POWERS AND DUTIES. (a) The [~~commission~~] board shall adopt rules for the practice of air conditioning and refrigeration contracting that are at least as strict as the standards provided by:

(1)  the Uniform Mechanical Code; and

(2)  the International Mechanical Code.

(b)  The executive director shall prescribe the design of an original and a renewal license.

(c)  The [~~commission~~] board shall maintain a record of the commission's proceedings under this chapter.

(d)  The executive director may authorize disbursements necessary to implement this chapter, including disbursements for office expenses, equipment costs, and other necessary facilities.

(e)  The department or board may examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history record information permitted by law.

SECTION 9.  Sections 1302.1011, Occupations Code, is amended to read as follows:

Sec. 1302.1011.  RULES. The [~~commission~~] board shall adopt rules:

(1)  providing for the licensing, certification, and registration of persons under this chapter, including requirements for the issuance and renewal of a contractor license, a technician certification, and a technician registration;

(2)  establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license, a technician certification, and a technician registration; and

(3)  implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION 10.  Subsection 1302.102 (a), Occupations Code, is amended to read as follows:

Sec. 1302.102.  INSURANCE REQUIREMENTS. (a) The [~~commission~~] board by rule shall set insurance requirements for a license holder under this chapter.

SECTION 11.  Sections 1302.103, Occupations Code, is amended to read as follows:

Sec. 1302.103.  RULES REGARDING USE AND DISPLAY OF LICENSE. The [~~commission~~] board, with the advice of the advisory board, shall adopt rules relating to the use, display, and advertisement of a license.

SECTION 12.  Subchapter E, Chapter 1302 Occupations Code, is repealed.

SECTION 13.  Section 1302.261, Occupations Code, is amended to read as follows:

Sec. 1302.261.  TEMPORARY LICENSE. The [~~commission~~] board by rule may provide for the issuance of a temporary air conditioning and refrigeration contracting license to an applicant who:

(1)  submits to the executive director an application on a form prescribed by the executive director; and

(2)  pays the required fees.

SECTION 14.  Subsection 1302.506(b), Occupations Code, is amended to read as follows:

(b)  The [~~commission~~] board shall adopt rules providing for the issuance of a temporary registration under this section, including the qualifications and fee required for the registration.

SECTION 15.  Section 1305.002 (1), Occupations Code, is amended to read as follows:

Sec. 1305.002.  DEFINITIONS. In this chapter:

(1)  "[~~Advisory b~~]Board" means the [~~Electrical Safety and Licensing Advisory Board~~] Trades Board for the State of Texas.

SECTION 16.  Subchapters B, Chapter 1302 Occupations Code, is repealed.

SECTION 17.  Section 1305.101, Occupations Code, is amended to read as follows:

Sec. 1305.101.  GENERAL POWERS AND DUTIES. (a) The executive director or [~~commission~~]board, as appropriate, shall:

(1)  by rule establish the financial responsibility requirements for electrical contractors; and

(2)  after publication of the National Electrical Code by the National Fire Protection Association every three years, adopt the revised National Electrical Code as the electrical code for the state.

(b)  The executive director or [~~commissioner~~] board, as appropriate, may:

(1)  establish reciprocity agreements with other states that have licensing requirements substantially equivalent to the requirements of this chapter; and

(2)  take other action as necessary to administer and enforce this chapter.

SECTION 18.  Section 1305.102, Occupations Code, is amended to read as follows:

Sec. 1305.102.  RULES. (a) The [~~commission~~]board shall adopt rules for the licensing of electricians, sign electricians, electrical sign contractors, electrical contractors, journeyman industrial electricians, journeyman linemen, residential appliance installers, and residential appliance installation contractors as prescribed by this chapter.

(b)  The executive director by rule shall prescribe descriptions of the types of activities that may be performed by each class of license holder under this chapter.

(c)  The executive director by rule shall adopt standards of conduct requirements for license holders under this chapter.

(d)  The [~~commission~~]board may adopt rules regarding the registration of apprenticeship training programs and to require registered programs to report the names of persons enrolled in the programs.

SECTION 19.  Section 1305.103, Occupations Code, is amended to read as follows:

Sec. 1305.103.  FEES. The [~~commission~~]board shall establish and collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this chapter.

SECTION 20.  Subsection 1305.161(d), Occupations Code, is amended to read as follows:

(d)  The [~~commission~~]board by rule shall set the fee, establish the qualifications, and provide for the issuance of a temporary apprentice license under this section.

SECTION 21.  Section 1305.1615, Occupations Code, is amended to read as follows:

Sec. 1305.1615.  EMERGENCY ELECTRICIAN LICENSE. (a) The [~~commission~~]board by rule shall establish criteria and procedures for the issuance of an emergency electrician license following a disaster, as that term is defined by Section 418.004, Government Code, to a person licensed as an electrician in another state of the United States.

(b)  An emergency license issued under this section expires on the 90th day after the date of issuance.

(c)  The [~~commission~~]board, with the advice of the advisory board, may adopt rules that provide for the extension of an emergency license issued under this section.

SECTION 22.  Subsection 1305.1615(c), Occupations Code, is amended to read as follows:

(c)  The [~~commission~~]board shall adopt rules necessary to implement this section.

SECTION 23.  Not later than March 1, 2020, the Trades Board of Texas shall adopt rules as required by this Act.

SECTION 24.  The Texas Department of Licensing and Regulation shall assist the Trades Board for the State of Texas for one year after the effective date of this Act. The Trades Board of the State of Texas may hold its meetings at the present location of the Texas State Board of Plumbing Examiners.

SECTION 25.  This Act takes effect September 1, 2019.